

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:22-CV-00068-BO

YOLANDA IRVING, et al.,)

)

Plaintiffs,)

)

V.)

)

THE CITY OF RALEIGH, et)

al.,)

)

Defendants.)

)

VIDEOTAPED DEPOSITION
OF
YOLANDA IRVING

NOVEMBER 14, 2022
10:17 A.M. - 5:27 P.M.

TIN FULTON WALKER & OWEN
407 North Person Street
Raleigh, North Carolina

Reported by: Michelle Maar, RDR, RMR, FCRR

1 officer was aiming a gun at you?

2 A. No.

3 Q. Was it one officer or more than one aiming a gun
4 at you?

5 A. It was one. And I guess after he got me down, he
6 got, he told me to get down, that's when the rest of them
7 started coming up. So I'm guessing they was behind him.

8 Q. So one officer aimed a gun at you?

9 A. Yes.

10 Q. And what part of your body was it aimed on, do
11 you know?

12 A. No. It wasn't -- he was telling me to get down.
13 So it was just in the area where I was at until I got down.

14 And then that's when he decided to bring the rest
15 of them up. So he was, I guess he was in control.

16 Q. But do you know -- sorry if I may have
17 misunderstood -- do you know what part of your body you
18 believe this officer was aiming a gun at?

19 A. No.

20 Q. But you're certain he was aiming a gun --

21 A. Oh, yeah, I'm certain. I looked at it.

22 Q. And for how long?

23 A. For, for, until I got down on the ground.

24 Q. So a couple seconds?

25 A. Couple seconds.

1 Q. And then when you got on the ground, the officer
2 was no longer aiming a gun at you?

3 A. They was, they still had their guns out. But it
4 wasn't like -- I guess they was trying to get everybody
5 under control until they put their guns completely down.

6 So I do remember two went into the room with my
7 boys, one was on the outside of my daughter's room, and I
8 do believe another one was in my room, and then there was
9 one in the hall watching me.

10 So it took a minute for them to put the guns
11 down, but they did finally put them down.

12 Q. But in terms of a weapon being aimed at you, your
13 testimony is that that occurred for a few seconds until you
14 got on the ground. Is that true?

15 A. Yes.

16 Q. And do you have any memory of whether or not guns
17 were aimed at anyone else upstairs?

18 A. Not to my knowledge.

19 Q. Did any officer aim a gun at you at any other
20 point during this encounter other than the example you just
21 gave me?

22 A. I can't recall. I know that one of them did get
23 angry with me because I, again, terrified, I guess I must
24 have misunderstood what he had said, thinking he was
25 telling me to move over, and I stood up. And he told me I

1 needed to sit down. So --

2 Q. Right. But in terms of a gun being aimed at
3 you --

4 A. Like I said, I can't recall.

5 Q. -- the only one that, the only time you remember
6 is in a few seconds before you got on the ground?

7 A. Yes. From what I recall, yes.

8 Q. And the officer told you to get on the ground.
9 Is that right?

10 A. Yes.

11 Q. And did you comply?

12 A. Absolutely.

13 Q. Who was upstairs in the apartment when you first
14 saw Raleigh police officers in the hallway upstairs?

15 A. My daughter, our two dogs. And like I said, J.I.
16 ran upstairs. But before J.I., it was just my daughter,
17 Juwan, and me, and the dogs.

18 Q. And did you see any encounter between any
19 officers and your daughter Cydneea?

20 A. No.

21 Q. Did you see any encounter between the officers
22 and your son Juwan?

23 A. Yes.

24 Q. What did you see?

25 A. Well, like I said, two police officers had walked

1 in there. And they was telling him to get down.

2 And I told them that he couldn't get down because
3 he was paralyzed. And that's when he lifted up his pants
4 leg. They was like that's fine, he can sit right there.
5 They made J.I. get up, sit beside him.

6 And they told them that they could continue to
7 play the game -- which one of the police officers ended up
8 talking to both of my boys and was telling them his handler
9 on Modern Warfare, some kind of gun thing that was on the
10 Xbox or the PlayStation.

11 So that was -- they was in there.

12 Q. And did you see any officer aim a gun at either
13 J.I. or Juwan?

14 A. No.

15 Q. And did you see any officer aim a gun at Cydneea?

16 A. No.

17 Q. At any point during that encounter, did you see
18 officers aim guns at your children?

19 A. Not at that -- no.

20 Q. After you got onto the ground, I understand that
21 the officer that you believe was aiming a gun at you was no
22 longer aiming it at you, true?

23 A. True.

24 Q. What happened, what do you recall happening
25 upstairs in your encounter with the officers after you got